

**BAID LEASING AND FINANCE CO. LTD.**

**POLICY FOR PREVENTION, PROHIBITION AND REDRESSAL OF SEXUAL HARASSMENT OF WOMEN AT WORKPLACE**

**PREAMBLE:**

Baid Leasing And Finance Co. Ltd. (hereinafter referred to as "BALFC") is committed to provide a healthy work environment which ensures that every woman employee is treated with dignity, respect and equitable treatment. It is an equal employment opportunity company that enables employees to work without fear of prejudice, gender bias and sexual harassment. Integrity, honesty and respect for people are among our core values. Sexual Harassment is not only a serious misconduct but criminal offence also, which can destroy human dignity and freedom. In an effort to promote the well being of all women employees at the workplace, this policy is envisaged as under:

- a. It shall be the duty of the Management of the Establishment to prevent or deter the commission of any act of sexual harassment of women at the workplace.
- b. Sexual Harassment of women will be considered as misconduct and action will be taken based on the findings of the enquiry in this context.
- c. The definition of sexual harassment of women will be as defined in section 2(n) of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 as represented below:-

"Sexual Harassment of women" includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication), namely:-

- (i) Physical contact and advances; or
  - (ii) A demand or request for sexual favours; or
  - (iii) Making sexually coloured remarks; or
  - (iv) Showing pornography; or
  - (v) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
- d. The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment, may amount to sexual harassment:-
- (i) Implied or explicit promise of preferential treatment in her employment; or
  - (ii) Implied or explicit threat of detrimental treatment in her employment; or
  - (iii) Implied or explicit threat about her present or future employment status; or
  - (iv) Interference with her work or creating an intimidating or offensive or hostile work environment for her; or
  - (v) Humiliating treatment likely to affect her health or safety.

## **OBJECTIVE:**

This policy has been formulated keeping in view the provisions under "The Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013" (hereinafter referred to as "Act") and its Rules notified on 09<sup>th</sup> December, 2013. The said policy is to define the guidelines and the process to be followed in order to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment in addition to the matters connected therewith or incidental thereto.

For any doubt or further clarification, reference is made to the SHWW Act and Rules.

## **APPLICABILITY:**

This policy will extend to all employees of the Company including those employed on contractual basis. The policy also extends to those who are not employees of the Company, such as customers, visitors etc., but are subjected to sexual harassment at the Workplace (defined hereinafter) of the Company.

All concerned should take cognizance of the fact that BALFC strongly opposes sexual harassment, and that such behavior against women is also prohibited by the law as laid down in Act. Commission of any act of sexual harassment as defined in the Act and in this Policy shall result in strict disciplinary action.

## **SCOPE:**

The scope of Policy is restricted to the following for all associates:

The Policy is with respect to Prevention, Prohibition & Redressal of Sexual Harassment which may arise in places not limited to business location viz. Company's offices / branches but also includes :-

- (i) Any external location visited by employees due to or during the course of their employment with the Company such as business locations of other Companies/ entities, guest houses etc.
- (ii) Any mode of transport provided by the Company for undertakes a journey to and from the aforementioned locations.

Sexual harassment is judged by the impact on the complainant and not the intent of the Respondent.

## **1. ABBREVIATIONS:**

In this Policy document, unless there is anything repugnant to the subject or context thereof, the words and expressions as stated below shall have the following meanings:-

- a) **"Act"** means The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal ) Act, 2013 and Rules framed thereunder.
- b) **"Aggrieved Woman"** means a woman in relation to work place whether employed or not, who alleges to have been subjected to any act of sexual harassment by the Respondent.
- c) **"Company"** means **Baid Leasing And Finance Co. Ltd.** and are under the same management and control as that of the Company.
- d) **"Employee"** means a person employed at a workplace for any work on regular, temporary, ad hoc or daily wages basis, either directly or through an agent with or, without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a trainee or called by any other such name.
- e) **"Employer"** means the head of the Company or any person who is responsible for the management, supervision and control of the work place.
- f) **"Internal Complaints Committee"** means a committee constituted by Company as per this Policy.
- g) **"Presiding Officer"** means the Presiding Officer of the Internal Complaints Committee nominated under sub-section (2) of section 4 of the Act
- h) **"Member"** means member of the Internal Committee or Local Committee as the case may be.
- i) **"Complainant Employee (CE)"** Complainant Employee (CE) means any Woman Employee [as per Section 2(a) of SHWW Act] who has lodged a complaint of sexual harassment at workplace and has been subjected to any act of sexual harassment by another employee 'RE' (herein after referred to as 'Respondent Employee').

**Comments:** The complainant need not necessarily be an employee; it can even be a visitor, guest etc. of the organization.

- j) **"Management"** Management means Company's Managing Director / Executive Director as notified on the Notice Board of the Establishment.
- k) **"Respondent Employee (RE)"** Respondent Employee (RE) means any employee against whom the complaint for sexual harassment has been lodged.
- l) **"Workplace"** Workplace means the places referred in clause 2(o) of the SHWW Act and inter-alia includes every and all offices, branches and Depots located anywhere in India. It also includes any place visited by the employees arising out of or during the course of employment including transportation provided by the Management of the establishment for undertaking such journey.
- m) **"Special Educator"** A Special Educator means a person trained in communication with people with special needs in a way that addresses their individual differences and needs.
- n) **"LC"** Local Committee.
- o) **"District Officer"** District officer means an officer notified by appropriate Government which may be District Magistrate or Additional District Magistrate or the Collector or Deputy Collector for every district to exercise powers or discharge functions under SHWW Act, 2013.

## **2. RESPONSIBILITIES REGARDING SEXUAL HARASSMENT:**

All employees of the Company have a personal responsibility to ensure that their behavior is not contrary to this policy. All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment.

### **Internal Complaints Committee**

The Management of the Company shall constitute the respective Committees, for Head office and other workplace/units of the Company which are located in India, in the name and style of "Internal Complaints Committee" (herein after 'ICC') to consider and redress complaints of Sexual Harassment at each such Unit/workplace.

The Qualification of Presiding Officer and Members of the respective Committees shall be as under:

<b>S.No.</b>	<b>Designation</b>	<b>Qualification</b>
<b>1.</b>	Presiding Officer	A woman employed at a senior level at workplace from amongst employees (in case a senior level women employee is not available, the Presiding officer shall be nominated from the other offices or administrative units of the workplace. In case the other offices or administrative units of the workplace do not have a senior level woman employee, the Presiding officer shall be nominated from any other workplace of the same employer or other department or organization of the same employer)
<b>2.</b>	Members from amongst employees of respective workplace	From employees preferably committed to the cause of women or who have experience in social work or have a legal knowledge. <b>Each Committee shall have at least 2 such members.</b>
<b>3.</b>	Member from NGO or association committed to cause of women or a person familiar with the issue relating to sexual harassment	From amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment

**At least one half of the total members of each such Committee shall be women.**

A quorum of 3 members is required to be present for the proceedings of the respective Committee to take place. The quorum shall include the Presiding Officer, at least two members, one of whom shall be a woman.

### **3. ADMINISTRATION:**

The Human Resource Department of the Company shall be the governing body for this policy and shall be responsible for maintaining all records, registers and other documents and to conduct all kinds of seminars, trainings, awareness programs as may be required under the said Act.

#### **4. POWERS OF INTERNAL COMPLAINTS COMMITTEE:**

It shall have same power as are vested in a Civil Court under the Code of Civil Procedure 1908, when trying into following matters:

- (a) Summoning and enforcing attendance of any person and examining him on oath;
- (b) Requiring the discovery and production of document;
- (c) Any other manner which may be prescribed.

#### **5. CONFIDENTIALITY:**

The Company understands that it is difficult for the victim to come forward with a complaint of sexual harassment and recognizes the victim's interest in keeping the matter confidential.

To protect the interests of the victim, the accused person and others who may report incidents of sexual harassment, confidentiality will be maintained throughout any investigatory process to the extent practicable and appropriate under such circumstances.

#### **6. DISPUTE RESOLUTION PRIOR TO ENQUIRY**

The Internal Complaints Committee may if, and only if so requested by the aggrieved woman, try to resolve the matter informally by intervening and thereby permitting the parties to resolve the matter mutually before the commencement of the formal enquiry proceedings.

#### **7. ORAL COMPLAINTS TO BE REDUCED IN WRITING**

It shall be the duty of the ICC before whom an oral complaint is made under this Act to reduce the said complaint in writing and read out the complaint to the complainant in the language requested by the complainant and obtain the signature of the complainant.

#### **8. IMPROPER COMPLAINTS**

This policy shall not be used to bring frivolous or malicious complaints against anyone. Making a knowingly false complaint subjects the complainant to disciplinary or corrective action. However, failure to prove a claim of sexual harassment does not constitute proof of a false and / or malicious accusation.

## **9. THIRD PARTY HARASSMENT**

Where sexual harassment occurs to any woman employee as a result of an act or omission by any third party or outsider, the Company will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

## **10. COMPLAINT AGAINST EMPLOYER**

If any Complaint is made against the employer himself then the said complaint will directly be entertained by Local Complaint Committee formed by State/Central Government for every District.

## **11. COMPLAINT**

A) Any aggrieved woman can make in writing a complaint within a period of 3 months from date of incident and in case of series of incidents within a period of three months from the date of last incident;

B) Internal Committee for reasons to be recorded in writing extend time limit not exceeding 3 months if it is satisfied that the circumstances were such that prevented the woman from filing a complaint within said period.

C) Where the aggrieved woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by:

- i. Her Legal Heirs;
- ii. Her relative or friend;
- iii. Her co-worker;
- iv. Officer of National Commission for Women or State Women's Commission;
- v. Any person who has knowledge of incidence, with written consent of the aggrieved woman.

In case of her mental incapacity, complaint may filed by

- i. Her Legal heirs;
- ii. Her relative or friend;
- iii. Special educator;\*

- iv. Qualified psychiatrist or psychologist;
  - v. Guardian or authority under whose care she is receiving treatment or care;
  - vi. Any person who has knowledge of the incident jointly with her relative or friend or special educator or qualified psychiatrist or psychologist or guardian or authority under whose care she is receiving treatment or care;
- D) In any other case by any person who has knowledge of the incident, with her written consent.
- E) In case of death of woman, by any person who has knowledge of the incident, with the written consent of her legal heir.

## **12. MANNER OF INQUIRY INTO COMPLAINT:**

- a) Complainant shall submit to the committee, 6 copies of complaint along with supporting documents and the name and address of the witnesses;
- b) Within 7 working days the committee shall send one of the copy to respondent;
- c) Respondent shall file his reply with documents and name and address of the witnesses within 10 working days (or such longer time as the Committee may allow in special circumstances/reasons to be recorded in writing ) from the date of the receipt of notice;
- d) The committee shall make the inquiry on the principles of Natural Justice;
- e) If complainant or respondent fails to present for 3 consecutive hearings convened by chairperson without sufficient cause, the committee shall have the right to terminate the proceedings or give ex-parte decision;
- f) Provided such termination or ex-parte decision may not be passed without giving 15 days advance notice in writing to the party concerned;
- g) The parties shall not be allowed to bring in any legal practitioner;
- h) In conducting inquiry a minimum of 3 members including Presiding Officer shall be present;
- i) Where both parties are employees, the parties shall , during course of inquiry, be given an opportunity of being heard;
- j) The Inquiry shall be completed within a period of Ninety days from the date of complaint.



### **13. ACTION DURING PENDENCY OF INQUIRY**

During the pendency of an inquiry, on request made by aggrieved woman, the Committee may recommend to the employer to:

- a) Transfer the aggrieved woman or respondent to any other workplace; or
- b) Grant leave to the aggrieved woman upto a period of 3 months. The leave granted under this clause shall be in addition to the leave she would otherwise be entitled; or
- c) Restrain respondent from reporting on the work performance of the aggrieved woman or writing her confidential report, and assign the same to another officer; or

On recommendation of ICC, the employer shall implement the recommendation and send the report of such implementation to the ICC.

### **14. INQUIRY REPORT**

The committee shall provide the report of its finding to the employer within a period of 10 days from date of completion of the inquiry and such report be made available to concerned parties as well.

### **15. PUNISHMENT FOR CONTRAVENTION OF ACT**

The punishment and penalties for any sexual harassment will depend upon circumstances and may vary on case to case basis. However, the committee will have the full rights to recommend the employer following action against respondent:

- a) To take any action including written apology , warning, reprimand or censure, withholding of promotion , withholding of pay rise or increment , terminating the respondent from services or undergoing a counseling session or carrying out community services, Curtailment of privilege, Bar on representing the company at any extra or co-curricular activity, Mandatory attendance in a sexual harassment workshop or program, Any other action prescribed in the Act/ Code of Conduct/ Service Rules/ Contract Rules, Termination, Suspension ,Demotion , Bond of good behavior ,Debarring from supervisory duties.
- b) To deduct a sum from the salary or wages of the respondent as it may be considered appropriate by the Management to be paid to the aggrieved person. In case deduction from salary / wages is not possible due to absence or cessation of respondent from employment, respondent can be directed to pay the amount to the aggrieved person.
- c) The employer shall act upon recommendation of ICC within 30 days of its receipt by him.

## **16. AWARENESS:**

- a) All the Employees, Agents, Customers, Vendors, Partners and Visitors shall have access to this Policy at any given point of time and clarification related to this Policy shall be addressed by the Human Resources Department.
- b) A brief shall be given to all existing employees regarding the features of this Policy immediately on formulation of the Policy and to new employees in the Company during their initial induction.
- c) The Employer shall comply with all other duties as set out under Clause 17 of this policy to ensure that all employees are provided with the safe working environment at the workplace.
- d) Company shall display the notice showing the name of the Internal Complaints Committee members at its every establishment at a conspicuous place.

## **17. DUTIES OF EMPLOYER**

- a) Provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace;
- b) Display at any conspicuous place in the workplace, the penal consequences of sexual harassments; and the order constituting the Internal Complaints Committee under sub- section(1) of section 4;
- c) Organize workshops and awareness programmes at regular intervals for sensitizing the employees with the provisions of the Act and orientation programmes for the members of the Internal Complaints Committee in the manner as may be prescribed;
- d) Provide necessary facilities to the Internal Complaints Committee or the Local Complaints Committee, as the case may be, for dealing with the complaint and conducting an inquiry;
- e) Assist in securing the attendance of respondent and witnesses before the Internal Complaints Committee or the Local Authority, as the case may be;
- f) Make available such information to the Internal Complaints Committee or the Local Complaints Committee, as the case may be, as it may require having regard to the complaint made under sub- section (1) of section 9;
- g) Provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force;

- h) If the aggrieved woman so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place, cause to initiate action, under The Indian Penal Code or any other law for the time being in force, against the perpetrator;
- i) Treat sexual harassment as a misconduct under the service rules/Code of Conduct and initiate action for such misconduct;
- j) Monitor the timely submission of reports by the Internal Complaints Committee.

**Manner to organize workshops, etc.**

Subject to the provisions of Section 19 of the Act, every employer shall-

- a) Formulate and widely disseminate an internal policy or charter or resolution or declaration for prohibition, prevention and redressal of sexual harassment at the workplace intended to promote gender sensitive safe spaces and remove underlying factors that contribute towards a hostile work environment against women;
- b) Carry out orientation programmes and seminars for the Members of the Internal Complaints Committee;
- c) Carry out employees awareness programmes and create forum for dialogues which may involve Panchyati Raj Institutions, Gram Sabha, women's groups, mother's committee adolescent groups, urban local bodies and any other body as may be considered necessary;
- d) Conduct capacity building and skill building programmes for the members of the Internal Complaints Committee;
- e) Declare the names and contact details of all the Members of the Internal Complaints Committee;
- f) Use modules developed by the State Governments to conduct workshops and awareness programmes for sensitizing the employees with the provisions of the Act.

**18. MISCELLANEOUS:**

- a) Company may make any alteration or amendment or rescind any of the clauses of this Policy as and when it finds it necessary to do so as long as it complies with the Act. Any such alterations or amendment or rescinding shall be well intimated to the employees.
- b) Nothing contained in this policy shall operate in derogation of any law for the time being in force or to the prejudice of any right of any employee under any other Rules or Law.

c) The Internal Complaints Committee shall prepare an annual report with the following details and shall submit the same to the Company to include in its Annual report:

- Number of complaints of sexual harassment received during the year;
- Number of complaints disposed off during the year;
- Number of cases pending for more than 90 days;
- Number of workshops or awareness programs against sexual harassment carried out;
- Nature of action taken by the employer.

**CONCLUSION:**

Complaints relating to Sexual Harassment shall be handled and investigations will be conducted under the principles of natural justice and on basis of fundamental fairness, in an impartial and confidential manner. The decision of Company shall be final and binding on all. However, the same is without prejudice to any recourse that Company or the individual concerned may have against the respondent and it shall not limit or restrict the rights of the Complainant and/or Company to pursue, nor shall they be precluded from pursuing, such further and other legal actions as may be available.

**LIST OF MEMBERS FOR INTERNAL COMPLAINTS COMMITTEE FOR  
SEXUAL HARASSMENT POLICY**

<b>S.No.</b>	<b>Name</b>	<b>Designation</b>
1.	Mrs. Asha Varlani	Presiding Officer
2.	Mrs. Alpana Baid	Member
3.	Mr. Bal Kishan Sharma	Member
4.	Mrs. Sobhag Devi Baid	Member